

Region 10 – Oregon Water Issues (Status as of 2/18/2014)

Oregon CZARA Coastal Nonpoint Pollution Control Plan –

On December 20, 2013, EPA and NOAA jointly issued a Federal Register Notice seeking public comment on the agencies' intent to disapprove Oregon's Coastal Nonpoint Program. EPA and NOAA jointly administer the Coastal Nonpoint Program under CZARA. The program establishes a set of management measures for states to use to control polluted runoff from various sources. All coastal and Great Lakes states and territories that choose to participate in the National Coastal Zone Management Program under the Coastal Zone Management Act are required to develop coastal nonpoint programs.

Oregon first submitted its plan in 1998 and has made various improvements to it since then to respond to EPA's and NOAA's comments/concerns. The improvements that still need to be made by Oregon to obtain approval from the agencies are in the areas of forestry, on-site disposal systems, and new development.

Forestry is a major land use in Oregon. Oregon water bodies provide critical habitat for salmon species, many of which are listed as Endangered or Threatened under the Endangered Species Act. Under the Clean Water Act, the designated use is intended to protect salmon. Salmon require cold water. EPA and NOAA findings show that Oregon needs to adopt additional forestry management measures to better protect riparian areas whose health is critical to protecting cold water. Additionally, Oregon needs to make some improvements to its program to ensure that on-site disposal systems are routinely inspected and maintained, and that new development does not result in excessive sediment runoff.

Per a settlement agreement with the Northwest Environmental Advocates from a 2009 lawsuit, NOAA and EPA were obliged to act. (Originally the date was November 15, 2013, but was renegotiated to December 20, 2013.) That same settlement agreement obliges NOAA and EPA to make a final decision on Oregon's program by May 15, 2014.

If NOAA and EPA disapprove a state's program, CZARA requires NOAA to withhold a portion of funding it awards the state under Section 306 of CZARA. CZARA also requires EPA to withhold a portion of the funding it awards under Section 319 of the Clean Water Act. The total amount of funds withheld could range from \$900,000 to approximately \$1.2 million/year, depending on appropriation levels and other factors.

Oregon has said that they wish to obtain full approval. Some progress appears to be underway where the Board of Forestry may consider and adopt more protective rules. Likewise, Oregon is working with EPA and NOAA to make improvements to the on-site disposal and new development measures. We strongly encourage the State to follow through and adopt the necessary improvements to these management measures so that the agencies will be in a position to approve Oregon's Coastal Nonpoint Pollution Program.

Non-Responsive